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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

CHAUHAN, LOREN B

ART UNIT	PAPER NUMBER
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2193

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,364

Applicant(s)

HONG ET AL.

Examiner

Loren Chauhan

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 30, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date June 14, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-28 are pending for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- i. As to claims 1, 12, 15, 21 and 25 the claims are non-statutory as they fail to produce a "useful, concrete, and tangible results." *State Street Bank & Trust Co. v. Signature Financial Group Ind.*, 149 F. 3d 1368, 1373-74 (Fed. Cir. 1998). The claims are directed to nothing more than a system and a method for data structure or software per se. The claims fail to provide a useful, concrete, and tangible result using the result of the operation, and thus fail to indicate how the invention accomplishes a practical application.

- ii. Claims 2-11, 13-14, 16-20, 22-24 and 26-28 are rejected for similar reasons as discussed for their respective parent claims, as they fail to present any limitations that have resolve the deficiencies of the claim from which they depend.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11, 15-20 and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood:

- i. As per claim 1, lines 3-4, it is not clearly understood what is meant by "attribute that initializes one or more variables" (i.e. is it initializes on host, client or server?). Lines 5-6, it is not clearly understood what is meant by "a memory function by expressing one or more operations on one or more variables" (i.e. is the variables of first element?).
- ii. As per claim 15, it is a method claim of claim 1 and it has the same deficiency as claim 1 above.
- iii. As per claim 25, lines 4-5, it is not clearly understood what is meant by "one or more variables, by parsing the first element and implementing a function of memory" (i.e. who is implementing memory function? Is the first element has memory function or other element ?).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-6, 15-16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over SMIL 2.0 Part 1: Overview, Concepts, and Structure by Dick C.A. Bulterman (Published in IEEE Multimedia on October-December 2001 hereinafter Bulterman) in view of SMIL 2.0 XML for Web Multimedia by Lloyd Rutledge (Published in IEEE Internet Computing on September-October 2001 hereinafter Rutledge).

8. As per claim 1, Bulterman teaches the invention substantially as claimed including multimedia content which is created using Synchronized Multimedia Integration Language (SMIL), the multimedia content (page 82, left column, lines 1-4) comprising:

a first element which has a first attribute that initializes one or more variables and see example on a second element (fig. 1, page 83, left column, lines 23-24).

Art Unit: 2193

9. Bulterman does not specifically teach that the second element has a second attribute that implements a memory function by expressing one or more operations on one or more variables.

10. Rutledge teaches a second element which has a second attribute that implements a memory function by expressing one or more operations on one or more variables (page 79, left column, lines 22-25).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bulterman and Rutledge because Rutledge second element with memory function would improve the functions in Bulterman's system by allowing elements to locate objects to integrate into presentation (Rutledge page 79, left column, lines 26-27).

12. As per claim 2, Bulterman teaches that the multimedia content further comprises a third element which expresses one or more results of the operations on the variables (page 83, fig. 1, left column, lines 28-30).

13. As per claim 3, Bulterman teaches that the third element has a third attribute that expresses an executing condition of the third element (page 84, fig. 2).

Art Unit: 2193

14. As per claim 5, Rutledge teaches that the second attribute of the second element contains a processing condition for processing said one or more operations on said one or more variables (page 79, left column, lines 36-41).

15. As per claim 6, Bulterman teaches that said one or more operations on said one or more variables of the second element are processed when the second element is parsed (page 87, right column, lines 32-36).

16. As per claims 15 and 16, they are method claims of claims 1-3 respectively; therefore, they are rejected for the same reason as claims 1-3 above.

17. As per claim 25, Bulterman teaches a method of creating multimedia content, which is created using a Synchronized Multimedia Integration Language (SMIL) (page 82, left column, lines 1-4), the method comprising:

(a) processing a first element, which defines one or more operations on one or more variables, by parsing the first element (fig. 1, page 83, left column, lines 24-29; page 87, right column, lines 32-36); but fails to teach implementing a memory function.

18. Rutledge teaches an element having a memory function (page 79, left column, lines 22-25).

Art Unit: 2193

19. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bulterman and Rutledge because Rutledge element with memory function would improve the functions in Bulterman's system by allowing elements to locate objects to integrate into presentation (Rutledge page 79, left column, lines 26-27).

20. As per claim 26, Bulterman does not explicitly disclose the parsing and processing the first element if each of one or more executing conditions of the first element is satisfied.

21. However, Bulterman disclosed the selection process of object associated with the conditional control primitives can be done static or dynamic, which can be done at parse time (page 87, right column, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention that in fact Bulterman system would have included to parse and process an element if one or more executing conditions are satisfied to improve the flexibility of his system by doing it static or dynamic.

22. Claims 4, 7 –11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SMIL 2.0 Part 1: Overview, Concepts, and Structure by Dick C.A. Bulterman (hereinafter Bulterman) in view of SMIL 2.0 XML for Web Multimedia by Lloyd Rutledge (Rutledge), and further in view of XML Unleashed

Art Unit: 2193

by Michael Morrison (Published by Sams on December 21, 1999 ISBN 0-672-31514-9) (hereinafter Morrison).

23. As per claims 4 and 17, Bulterman and Rutledge do not teach the second attribute of the second element expresses at least one from the group of an arithmetic operation, a relational operation, a logical operation, and an "if" phrase of the variables.

24. Morrison discloses second attribute of the second element expresses at least one from the group of an arithmetic operation, a relational operation, a logical operation, and an "if" phrase of the variables (Chapter 23, Page 534-535, listing 23.5, page 535, lines 12-13).

25. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bulterman, Rutledge and Morrison because Morrison's "if" phrase of the variables would improve the functionalities in Bulterman and Rutledge system by calling and integrating multiple objects in the presentation.

26. As per claim 7, Bulterman and Rutledge do not teach first attribute of the first element is expressed as a first attribute name ="variable=0;", and the second attribute of the second element is expressed as a second attribute name ="operation on variable".

27. Morrison teaches first attribute of the first element is expressed as a first attribute name = "variable=0;" and the second attribute of the second element is expressed as a second attribute name = "operation on variable" (Page 533, last paragraph, lines 4-5).

28. As per claims 8 and 20, Morrison teaches the first attribute of the first element is expressed as `var="x=0;"` and the second attribute of the second element is expressed as `var="x=x ♦ n;"` (here, ♦ is an arithmetic operator and n is a numeric value if required by the arithmetic operator) (page 534, listing 23.5).

29. As per claim 9, Morrison teaches the first attribute of the first element is expressed as `var="x=0;"` and the second attribute of the second element is expressed as `var="count++; sum+=m;"`, m being a numeric value (page 534, listing 23.5).

30. As per claim 10, Morrison teaches that the third attribute of the third element is expressed as an attribute name = "executing condition of corresponding tag" (Page 533, last paragraph, lines 4-5).

31. As per claims 11 and 18, Morrison teaches that the attribute of the third element is expressed as condition = "executing condition" (Page 533, last paragraph, lines 4-5).

32. As per claim 19, Rutledge teaches the step (b) further comprises expressing the executing condition using timing attributes defined in SMIL (page 81, right column, lines 19-23).

33. Claims 12-14 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over SMIL 2.0 Part I: Overview, Concepts, and Structure by Dick C. A. Bulterman (hereinafter Bulterman) in view of Synchronized Multimedia Integration Language (SMIL 2.0) (W3C Recommendation on August 7, 2001) (hereinafter W3C).

34. As per claim 12, Bulterman teaches the invention substantially as claimed including Multimedia content which are created using Synchronized Multimedia Integration Language (SMIL), the multimedia content (page 82, left column, lines 1-4) comprising:

at least one element including a first element (page 83, fig. 1, left column, lines 23-24).

35. Bulterman does not specifically teach said first element has an attribute that expresses a function for the first-element and the content to be processed when the function is true.

Art Unit: 2193

36. W3C discloses said first element has an attribute that expresses a function for the first-element and the content to be processed when the function is true (page 2 of Section 4, Section 4.2.1, lines 1-3).

37. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bulterman and W3C because W3C test-attribute condition to be true would increase the integrity of the performance of Bulterman's system by only played when certain conditions are true (page 2 of Section 4, Section 4.2.1 lines 1-4).

38. As per claim 13, Bulterman discloses the rendering region of the first element overlaps with a rendering region of a second element, and the attribute of the first element expresses ending rendering of the first element (page 84, fig. 2(c)), but does not disclose that function has to be true.

39. W3C teaches attributes may appear on media object reference if the attribute evaluates to be true (page 2 of Section 4, Section 4.2.1, lines 2-3).

40. As per claim 14, Bulterman discloses the rendering regions of a second element and a third element overlap with one another, and the attribute of the first element expresses beginning rendering of a predetermined element (page 84, fig. 2), but does not disclose that the function has to be true.

41. W3C teaches attributes may appear on media object reference if the attribute evaluates to true (page 2 of Section 4, Section 4.2.1, lines 2-3).

42. As per claim 21, 23-24, they are method claims of 12-14 respectively; therefore, they are rejected for the same reason as per claims 12-14 respectively.

43. As per claim 22, Bulterman discloses the expressing the content to be processed using an "action" attribute of the first element (page 4 of Section 4, Example 1).

44. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over SMIL 2.0 Part 1: Overview, Concepts, and Structure by Dick C.A. Bulterman (hereinafter Bulterman) in view of SMIL 2.0 XML for Web Multimedia by Lloyd Rutledge (hereinafter Rutledge) and further in view of Synchronized Multimedia Integration Language (SMIL 2.0) (W3C Recommendation 07 August 2001) (hereinafter W3C).

45. As per claim 27, both Bulterman and Rutledge do not disclose parsing a second element with at least one defined function and processing the second element according to content to be processed when the function is true.

Art Unit: 2193

46. W3C discloses parsing a second element with at least one defined function and processing the second element according to content to be processed when the function is true (page 2 of Section 4, section 4.2.1, lines 1-3).

47. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Bulterman, Rutledge and W3C because W3C test-attribute condition to be true would increase the integrity of the performance of Bulterman and Rutledge's system by only played when certain conditions are true (page 2 of Section 4, Section 4.2.1 lines 1-4).

48. As per claim 28, W3C teaches the second element according to content expressed using the action attribute (page 4 of Section 4, Example 1).

49. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Synchronized Multimedia Integration Language (SMIL) 1.0 Specification (W3C Recommendation June 15, 1998).

2. SMIL 2.0 Part 2: Examples and Comparisons by Dick C.A. Bulterman (Published by IEEE Multimedia on January-March 2002).

Art Unit: 2193

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loren Chauhan whose telephone number is 571-270-1554. The examiner can normally be reached on Mon.-Thur. 7:30-5:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Loren Chauhan
Examiner
Art Unit 2193

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MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100